

The position of ARDIS is ~~xxxx~~ is clearly stated. We oppose the use of covert operations as a means of implementing United States foreign policy. Therefore, we oppose the establishment of agencies or forces within the United States government for the conduct of covert operations. We oppose the establishment of laws, procedures and norms for the conduct of clandestine activities and covert operations.

On December 15, the Honorable Clark Clifford, the advisor to President Harry S. Truman who, more than any other individual, wrote the National Security Act of 1947, testified before the Senate Select Committee on Intelligence. The subject was S.1721, the Cohen-Boren bill that would require the President of the United States to give Congress notice within 48 hours of the initiation of a covert activity rather than the "timely" notification in existing legislation which, in the Iran-Contra affair the Reagan Administration interpreted as requiring notice when the president thought it timely, which could be never.

S.1721 is endorsed even by such ex-CIA luminaries as former Director William S. Colby and former Assistant Director under William Casey John McMahon. Not unexpectedly, it is bitterly opposed by President Reagan. Clifford endorsed it, too. But, he argued, this reform is far too limited. He wants it amended to include automatic cutoff of funds and termination of the operation if the notification is not given and, most significantly, criminal penalties written into the act for government officials who engage in covert operations in violation of the law. And the old cold warrior went even further.

In language almost identical to that of ARDIS, he described the long series of failures and follies that is the history of covert operations. He emphasized that the strength and influence of the United States came not from any ability to carry out or attempt international dirty tricks, not from a demonstration that we can match the KGB, but because of the trust, so often abused and now almost dissipated, that the United States engendered in the world as the country that did not stoop to that. It

is clear from Clifford's testimony that the price paid for the maintenance and use of the covert action capability is far too high for the dubious advantages that capability allegedly bestows.

Although the Cohen-Boren proposals are limited and timidly reformist at most, the issue of covert operations has been joined. Newsweek devotes a lead article this week to the subject. The article is important, not only because a popular news magazine uses two pages to discuss it, but because this adjunct of the Washington Post really defines the terms of the debate. And it does so in a way that inadvertantly reveals the twisted logic that underpins the maintenance of the capability that Clark Clifford casts such doubt upon and which ARDIS unequivocally concludes is counterproductive and must be dismantled.

Newsweek surveys the experts, so-called, and reports their agreement that covert operations must meet the standards outlined in Cohen-Boren. They must be absolutely necessary, they must advance important national security objectives otherwise unachievable and (most important), they must be of such a nature and so conducted that if exposed the United States would not be embarrassed or endangered. Having said that, Newsweek's writers, seemingly unaware of the contradiction, conclude, apparently regretfully, that "there seems no alternative to the use of this powerful and dangerous power." But if the operations are of such a character that exposure will not harm or embarrass the United States, why should they be covert in the first place? Indeed, logic insists that the revelation of covertness will in itself bring into question the worthiness of the action and, inevitably, as we have recently seen again, embarrass and harm the United States.

ARDIS, in its insistence that covert operations be abandoned and made illegal as a means of implementing



The United States should not, and does not need to, conduct its foreign activities based on considerations of whether other countries' intelligence services and security organizations--which in much of the world are simply the implements of state terrorism--are willing or unwilling to cooperate with practices of openness and democracy.

ARDIS opts for openness, for the business of the people of the United States to be decided openly in congressional debate and carried out openly by agents of the United States who do not have to conceal their names or faces. It rejects the concept of secret presidential findings, no matter when they are secretly communicated to secret committees of the Congress, and their implementation by anonymous operatives working in the shadows.

The presidential candidates competing in the Iowa caucuses, ARDIS believes, should be required to address the issue of covert operations fully and specifically. ARDIS asks them the following questions:

1. Do you believe that the national security of the United States requires maintenance and utilization of a capability to carry out covert operations (defined here as military and paramilitary clandestine activities intended to influence, destabilize, control or overthrow the government with which the United States is at peace (i.e., not in a formal state of war)? If so, why?

2. Do you believe, on the basis of your interpretation of events, that the covert operations carried out by the United States, have, on the whole, detracted from or enhanced the national security? Cite specific examples of enhancement or detraction.

3. Do you believe (if you accept that covert operations are a necessary activity of the United States) that the executive branch of the government has a right to withhold information about its covert operations from the committees of Congress charged with oversight? Do you believe that this information must be proffered or is it up to the Congress to seek it out from the executive?

4. Do you believe that if the executive branch has a right to carry out covert operations it also has a right to misinform (i.e., lie to) the Congress, the press or the general public about these activities? If so, do you believe that officers of the government can be tasked to do this?

5. Do you believe that, absent a declared state of war or national emergency, considerations of national security permit or excuse executive branch violations of law, constitutional procedures, judicial or personal rights?

6. Do you believe that the secret determination, via a presidential finding, of the national interest or national security is sufficient to justify the initiation of a covert operation?

7. Do you support the 48 hour notification period proposed in S1721? If not, why not?

8. Do you agree with Clark Clifford that the law should provide criminal penalties for public officials who violate the laws controlling the conduct of covert operations? If not, why not?

9. Do you think that a member of Congress, or any public official, who becomes aware of classified information regarding a covert operation that indicates laws of the United States are being violated or which is evidence that the executive branch has misrepresented the evidence (falsified a finding) on which that operation was approved has the constitutional right (assuming this is not in war time as defined by the Constitution) to publish that information? Is it a duty to publish it? Explain your position.

10. The United States is a party to the OAS Charter. This provides that no party can intervene in the internal affairs of any other party for any reason. Do you think the United States is bound by that treaty? Do you think the United States typically does abide by that treaty?

11. By the same token, the United States is a party to the United Nations charter and similar provisions thereof. Do you think that this charter, like the OAS charter, prohibits covert operations? Do you think the United States is bound by that treaty? Do you think the United States typically does abide by the UN Charter?

12. As an alternative to covert operations do you think United States national security could be sufficiently protected by appeal to the judicial, mediatory, peacekeeping and related provisions of the UN and OAS Charters? If not, why not?

13. Considering, again, the past record of United States covert operations, do you think the cause of democracy in the United States has been enhanced or damaged as a result? Please use exact criteria in your response. Consider especially First and Fourth Amendment rights.

14. On the same record, do you think the cause of democracy has been enhanced or damaged in the countries that have been the targets of United States covert operations? Give detailed examples.

15. Do you think that advancement of democracy is the objective of (some, most all) United States covert operations? Define democracy.

16. Do you think that advancement of democracy is, of and in itself, a sufficient cause for undertaking a covert operation?

17. Do you think that overthrow of a non-democratic government is in and of itself a sufficient cause for undertaking a covert operation?

18. Do you believe that the United States, at the request of a political or ethnic group in some other country which expresses a grievance with its government, has a right to (in its own national security interest) undertake a covert operation against that government?

19. Do you believe the congressional power to declare war extends to covert operations? Does the war powers act extend to covert operations?

20. Do you think the maintenance of a covert operations capability (that is, special organizations charged with conduct of covert operations) in itself tends to involve the United States in covert operations? In other words, by their very nature do you think these organizations tend to be uncontrollable?

21. By the same token, do you think that the existence of these organizations tempts the executive branch to override or evade the will of Congress and the constitution and laws of the United States? If you agree, explain how you would deal with the problem.

22. The Iran-Contra hearings revealed the complicity of the executive branch in the development and use of a covert operations capability outside the government. Do you regard that as a problem? If so how would you deal with it?

23. The Iran-Contra hearings, as well as much prior information produced in other official investigations, revealed, in addition to the existence of the unofficial enterprise noted in 22, that United States covert operations agencies routinely engage in business activities around the world. Some of the businesses are, ostensibly, legal--banks, brokerage houses, transportation firms, etc.--others illegal (narcotics, arms dealerships, etc.). Do you regard these as appropriate? If not, how do you propose to deal with them.

24. Do you believe that the United States can gather the information (intelligence) necessary for its national security interests without resort to covert operations? Do covert operations enhance or detract from the business of gathering national security information?

25. Give your definition of national security and describe what role, if any, the conduct of covert operations and/or the ~~xxxxxxxxxxxx~~ maintenance of a covert operations capability (as defined here) plays in its preservation.

26. If you have another definition of covert operations express it. Explain the philosophy behind it.